

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

11 CV 0957 A (de)

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the **INTERNET**. See **Pro Se Privacy Notice** for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, *each* plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

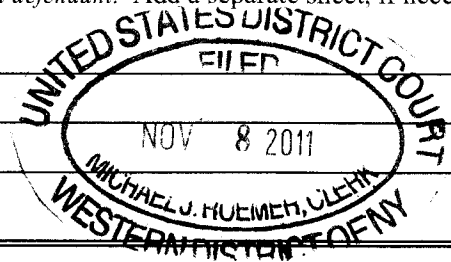
Ms. Lorraine Schmidt
Mr Alvin Foigelman

-vs-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

1. Bank of America
2. Joseph Gogan
3. Steven J. Baum

4.
5.
6.

**2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT**

All of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Western District of New York

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District:

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Bankruptcy Chapter 7 + Foreclosure Laws
Fraud, Forgery,

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: ms. Lorraine Schmidt

Present Address: 2183 Bedell Rd. Apt 2
Grand Island, NY 14072

Name of Second Plaintiff: Mr. Alvin Foigelman

Present Address: 2183 Bedell Rd. Apt 2
Grand Island, NY 14072

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Bank of America

Official Position of Defendant (if relevant): corporation

Address of Defendant: 420 Main St Court Street 14202
Buffalo, NY 14202

Name of Second Defendant: Joseph Gogan

Official Position of Defendant (if relevant): Attorney at Law

Address of Defendant: Unknown

Name of Third Defendant: Steven J. Baum P.C.

Official Position of Defendant (if relevant): Attorney at Law

Address of Defendant: 220 Northpointe Parkway Suite G
Amerst, N.Y. 14228
TELEPHONE 2042400

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in **state or federal court** dealing with the same facts involved in this action?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ___ No ___

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

___ Dismissed (check the statement which indicates why it was dismissed):

___ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

___ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

___ By court due to your voluntary withdrawal of claim;

___ Judgment upon motion or after trial entered for

___ plaintiff

___ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) Oct 20 2010,
defendant (give the **name and (if relevant) the position held of each defendant** involved in this incident) yes

did the following to me (briefly state what each defendant named above did): Steven, J. Baum
Debt collector foreclosed on Property for 76,775.38
Joeseph Gogan foreclosed on property for 79,510.29
Federal Offense against George Richert 156,285.67
Bank of America Loan WIVB CHANNEL 65,894.27
negligence for 3 yrs. Housing code violation 222,079.94
city of buffalo foreclosed for \$ unknown
House value total loss - decaying

The federal basis for this claim is: perjury

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

relieve us of Aggravate Harassment, Lawsuit
Injury + Damages

B. SECOND CLAIM: On (date of the incident) _____,

defendant (give the name and (if relevant) position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The federal basis for this claim is: _____

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Lawsuit for injury + Damages of Federal Offense
comitted + illness, breaking Bank, Bankruptcy
LAWS

Do you want a **jury trial**? Yes ☐ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Nov 5, 2011
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Ms. Lorraine Schmidt
Alan Feigelson

Signature(s) of Plaintiff(s)